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Dinner of the St. George Society, Apr. 23, 1909

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DINNER

OF THE

ST. GEORGE SOCIETY

APRIL 23, 1909

Individualism and State Regulation

RESPONSE OF

FREDERICK W. WHITRIDGE

Mr. President, Ladies, and Gentlemen of the St. George Society:

Last year when I responded to this toast, I thought you all knew about Saint George, but I believe now that the only thing about him that we can be sure of, is—that whether he was an anchorite, an army contractor, or a hunter of primeval beasts, he certainly was a man of marked individuality. He was beatified, and for five centuries he has been the patron of the people, who, because of their individualism, have become the dominant race of the world. It is upon that subject of individualism as a system that I wish to talk to you to-night.

A few years ago an eminent German visited this country, and, after seeing it, went home and wrote a book entitled "Das Land der unbeschranckten Mö-

glichkeiten"—The Land of Unlimited Possibilities.

What has been accomplished here in three generations is well fitted to inspire such a book. The whole continent has been peopled, cultivated, and developed as in a fairy-tale. We have accomplished within seventy-five years, what a scientific historian must have said we could not have perfected in five hundred. The agriculture, the means of transportation and communication, the great industries, the application of scientific knowledge, the universal distribution of wealth, and a modicum of education, and the great private fortunes which accompany these achievements, could not but kindle the imagination even of a learned German. This, indeed, is, or was, the land of unlimited possibilities, and not because its development was initiated, hastened, or controlled by the State, nor by any sort of legislation or regulation—though the protective system has had something to do with it; the whole magnificent re-

sult has been effected by individual effort, and is a triumph for individualism.

Under the Romans, and the later systems founded upon theirs, all these things would have been attempted by the Government. They founded colonies, regulated States, and established industries by edicts from the Capitol. They did great things, but theirs and every other empire, in which power proceeded from above downward, perished. They held Britain for four hundred years, but when the last Legion sailed from Dover, it left absolutely nothing Roman but a few roads and a few names behind. You English, on the other hand, who hold that power proceeded from the people upward, with your adventurers, your explorers, and your emigrants, have dotted the Globe with States on which you have put your thumb prints, as Hanotaux says Richelieu put his upon modern France, but as the Romans never put theirs upon Britain.

In United Germany, also, very great things have been accomplished by the

State, but millions of Germans have left their Fatherland, largely, I believe, because they are regulated and policed — and it is wonderfully well and honestly done — from the cradle to the grave, and while the French die of nostalgia, and you talk of the old country as "home" for three generations, while the Scandinavians, Italians, and Slavs go back every winter by shiploads, who ever heard of a Hebrew who returned to Poland or Russia, or a German who retired to the shelter of his childhood's police? No, gentlemen, not only here, but everywhere, everything which has been permanently worth while in the world, is and always has been the result of individual endeavor. The men who founded this country, who conquered its soil, and the millions who came here for greater freedom and have built it up, were all individualists and idealists.

Yet, while all this is true, there is just now, for reasons I cannot now discuss, a decided reaction against individualism.

The great private fortunes have filled many souls with envy, hatred, and malice, and certain corporate abuses have filled others with wrath, and altogether the brains of a very great number of people have become so addled that they are unable to think straight about any person or any thing which relates to corporations. The very States which a few years ago passed Acts imploring corporations to find and use the capital to develop the mines and forests of those States, are those which have now enacted the most drastic laws, forbidding corporations to do the very things they then asked for.

The Standard Oil, the most conspicuous corporation, is perhaps the subject of the most muddle-headed thinking. The other day I read in the account of the legal argument for its dissolution, that particular stress was laid on the fact that it had made hundreds of millions with only a capital of $60,000,000. That is a pretty argument! If the Standard Oil people have offended against the law, let

them be punished, but making money is not yet an offense *per se*, and why should they not make money if they can, the more the better? Whom do they harm by so doing? They do not take that money from you or me, they create it, and when they have made it, they cannot eat it or hide it in a napkin. They leave it and they must leave it, at work in the world for the common benefit. I hold no brief for Crœsus and I do not understand his children and successors in this country. Some of them present a combination of kindliness and cruelty, of incredible parsimony and an Aladdin-like munificence, together with a certain mawkish religiosity, which I cannot comprehend, but what they have accomplished reveals almost Titanic powers of mind and will, and the fruit of those powers, however rich they may have become, has enured to the public good. This very Standard Oil has, past question, put into the possession of millions and tens of millions of human beings, heat and light,

who, but for it, would have been without them. Finally, if mere riches be an offense, why is a man who makes a million a year from oil, or mines, or textiles, worse than the man who makes another million by selling tons of vulgar and trivial stuff in the form of newspapers. Both of them represent the individualism which has made this land great, and on the whole, though it is sometimes an effort, I think we are bound to be proud of them.

The revolt against individualism, as persons, are hard to get at, finds its main outlet in attacking corporations and in what seems to me to be just now a perfect craze for regulation by statute or commissions of everything and everybody which has to do with them. We produce in this country almost 150 times as many laws for eighty millions of people as Great Britain finds necessary for forty millions, and when it comes to legislative and executive commissions, they are sprouting like gourds all over the place to investigate and regulate or manage everything about

which anybody has a grievance. The last, I believe, is a commission on the state of our Homes. It is very interesting, but I find it rather futile. In the British Statutes for the year 1906 there is an act repealing various laws of the Kingdom of Scotland, which had "ceased to be in force or which were no longer deemed necessary," the mere enumeration of which filled over 100 closely printed pages. Here were endeavors to regulate what men should eat, what they should wear, what they should do, how they should travel, how they should be paid, and how they should be buried.

I read some of the titles at random:

Laws in respect to strangers that sell merchandise in the realm and take money therefor,—that is protection,—statutes on the playing of foot-ball; the practice of archery; on the age and mark of beggars and idle men; on the price of victuals; on the price of work made by craftsmen; on the fees paid to workmen; on the right of merchants to carry their goods in ships

of other countries; on the opening of taverns at night; on buying and holding victuals to a dearth; in respect to the restriction of sumptuous clothing; in respect to the sowing of peas and beans; in respect to the wearing of silks; in respect to the crying down of the new plakkis; in respect to taking money out of the realm; anent the damnable opinions of heresy; on the privilege of borrowing; on the exorbitant prices asked by craftsmen; on the planting of woods, forests, orchards, and parks; the abolition of idolatry; on blackfish, cutting of greenwood, and the slaughter of snakes; on the measure of herring and salmon barrels; anent the instruction of youth in music; on the excess of costly clothing; against superfluous banqueting; and the inordinate use of confectionery and drugs; on the trimming and price of all stuffs; an act prohibiting eating flesh three days every week; for the punishment of forestalling; for the creation of a commission in respect to grammar and the teaching thereof; a

commission anent the tanning of hides; an act concerning the making of cards; anent linseed, hempseed, and steel; an act declaring the Greenland fishing to be a manufactory; an act concerning burying in Scots linen; an act for selling of meal by weight; an act allowing the sale of rum; an act concerning Protestant servants in Popish families; an act concerning persons going to and returning from France; an act freeing butchers from being graziers; an act for burying in woolen.

What a record that is of the careful, often prayerful, endeavors of a legislature to regulate the affairs of mankind, and how pathetic it is that at the end of 500 years it should all be tossed into the rubbish heap.

Now, I do not mean to intimate that that fate is in store for our Public Service Commission, which is the latest fruit of this passion for regulation, and which, if it had all the powers it desires, would stifle competition and suppress all indi-

viduality, except their own. But you will expect me to say something about that Commission — I am supposed to be in opposition to that honorable body, but on the whole we get along together pretty well. They are honest, conscientious men. I do what I can to lighten their labors, and I can only hope that they get as much amusement out of me as I get out of them. I have said that, so far as the street-railways of this city are concerned, they have, notwithstanding their great powers, actually accomplished nothing at all, but I am now bound to amend that statement. They have brought nine suits against me for the recovery of certain penalties, as to which I shall have something to say after the courts have decided them, and they have also deprived the people of a railroad from the Fordham Station to the Zoölogical Gardens, and, in rash ignorance of Lord Mansfield's advice to the Colonial Judges, have written an opinion thereon which contains a colossal *non sequitur*,— for

they say in substance that the road would be a great public convenience and would be used by thousands, and, therefore, it ought not to be built.

But I allude to this particular Commission only by way of illustrating the general dangers of these endeavors at governmental regulation. In the first place, its effect on the people themselves is evil. It relieves them of the burden of thinking and acting for themselves; even the newspapers are inclined to say, when some difficult question arises, "Oh, well, we have a Public Service Commission, so it is all right. In the second place, the effect on the Commission themselves is ravaging. Great power has always had a way of going to the heads of people who were intrusted with it, and forthwith they began to clamor for more from the same cup. A year ago this Commission made an order in respect to cars, and I have said to them: "You seemed to think we were living in the time of the first book of Genesis, and that

you had only to say, 'Let there be cars,' and then there were cars." In another case one of their officials reported the condition of some of my cars to be horrid, as it was, for I had only had them a fortnight. The Commission having ordered their immediate improvement, I protested and asked for particulars, and then after a month the same official, absolutely confident in the efficacy of an official order, reported a great improvement in consequence of that order, and among other things said sixty per cent. of the cars had new seat covering. In fact, not a car had been touched. The operation of that man's mind was arrested by his faith in an order, and, in proportion as regulation is allowed to extinguish individualism, I contend that not only the officials, but the people, cease thinking and acting for themselves. It is a natural consequence, too, under our form of government, that those who have power should imagine that they were the special guardians and mouthpieces of the people, and that they

were doubly justified thereby in what they said and proposed, and I think I have detected a slight tendency to be peevish when we differ from them, which is womanish rather than virile.

The other day when the members of the Commission with their secretaries and their counsel were up in Albany lobbying for more power, the receivers asked the head of the American Bar and our foremost citizen, Mr. Choate, to present a few simple and obvious truths, on our behalf, and the next day the press-agents of the Commission bubbled over with twaddle about acceleration, "Black horse cavalry," and appeals to the people to beware!

Now, my brethren, who made you the only friends of the people, or conferred upon you the exclusive privilege of advocating legislation? If I dared to take as much upon myself, as you assume behind the barriers of your law, I would say: I love the people as much as you, I have done as much for them as you, I

know as much about them and what they think and feel as you, and in the people's name I presume to say to you and to those behind you higher up, "Mind your business, devote yourselves to administering the law under good counsel, beware of humbug, and above all, in the words of a great English writer, 'Let us clear our minds of cant,' especially about the people."

To the people of this town I would say, this particular Public Service Commission is heading—whether consciously or not I do not know—straight for municipal ownership. That is an intelligible theory, but I do not see how an honest man who knows anything about New York City, can, so long as it continues to be governed partly from the robbers' cave in Fourteenth Street, contemplate the institution of municipal ownership without apprehension and even horror.

To you here to-night and to every man who loves his country I say, if you want regulation, have it, but do not fool your-

selves about it. It is quack medicine, a little of it may be useful, but for heaven's sake don't believe everything which is printed on the bottle. Remember it will not give you a tithe of what you expect from it, it will cost you millions, and it will enfeeble your minds and rob you as much as it can of your self-respect and your precious individuality.

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